

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRIAN SCOTT HILL,	)	
	)	
Petitioner,	)	Case No. 1:05-cv-388
	)	
v.	)	Honorable Richard Alan Enslen
	)	
MARY BERGHUIS,	)	
	)	
Respondent.	)	
_____	)	

**JUDGMENT**

In accordance with the Opinion entered this day:

**IT IS HEREBY ORDERED** that Petitioner's application for habeas corpus relief is **DISMISSED** without prejudice pursuant to Rule 4 of the Rules Governing § 2254 Cases for lack of exhaustion of available state-court remedies.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED** because a reasonable jurist could not conclude either that the district court erred in dismissing the petition for failure to exhaust or that the petitioner should be allowed to proceed further. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Dated in Kalamazoo, MI:  
June 24, 2005

/s/Richard Alan Enslen  
Richard Alan Enslen  
United States District Judge